IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 919/2006

SITA RAM SONI Vs. PURSHOTTAM SONI

DATE: 28.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Mahesh Sharma for the complainant-petitioner.

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The present criminal revision petition under Section 397 Cr.P.C. is preferred by the complainant-petitioner against the judgment dated 28.06.2006 passed by the Judicial Magistrate, North, Kota in Criminal Case No. 111/2006, whereby the Court below has acquitted the accused-respondent Purshottam Soni from the charge punishable under Section 138 of the Negotiable Instruments Act, 1881 considering the fact that the cheque was bounced on 16.09.2003 and the registered notice was given by the petitioner on 08.10.2003 without considering the amendment made in Section 138 of the Negotiable Instruments Act which was made effective w.e.f. 17.12.2002, by which 15 days is enhanced to 30 days and the Court below has considered only 15 days.

The complaint has been filed after amendment made effective w.e.f. 17.12.2002 and the Court below has not care to examine this aspect that the 15 days time is enhanced to 30 days.

In the light of the aforesaid amendment, the impugned judgment dated 28.06.2006 passed by the Judicial Magistrate, North, Kota is herewith quashed and set-aside and the matter is remanded back to the Court below for fresh adjudication as per the amendment made in Section 138 of the Negotiable Instruments Act.

With these observations, the revision petition stands disposed of.

(K.S. RATHORE),J.

/KKC/